



INTERIOR BOARD OF INDIAN APPEALS

Virginia S. Mason v. Northwest Regional Director, Bureau of Indian Affairs

41 IBIA 104 (06/15/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

VIRGINIA S. MASON,
Appellant,

v.

NORTHWEST REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee.

: Order Docketing and
: Dismissing Appeal
:
:
: Docket No. IBIA 05-68-A
:
: June 15, 2005

Appellant Virginia S. Mason filed a notice of appeal concerning a March 29, 2005, decision of the Northwest Regional Director, Bureau of Indian Affairs (Regional Director). The Regional Director reversed a decision by the Colville Agency Superintendent, which had denied a request from Appellant to partition Colville Tract Numbers 101-3185 and 101-1350. The Regional Director remanded the matter to the Superintendent with instructions to proceed with survey and appraisal work, with the ultimate goal of partitioning the property, as requested by Appellant.

Appellant's notice of appeal agreed with the Regional Director's decision, and primarily expressed disagreement with the position taken by her former husband, who opposed the partition. On April 20, 2005, the Board issued an order requesting clarification from Appellant concerning her intent because she did not appear to be challenging any part of the Regional Director's decision. The Board requested a response on or before May 13, 2005. The Board's order stated that "[f]ailure by Appellant to respond to this order will be construed as her willingness to have this appeal dismissed, without prejudice to her right to participate as an interested party in an appeal by [her former husband], should he file such an appeal with the Board."

The Board has not received a response from Appellant. In addition, the Board has not received any appeal from Appellant's former husband, the other individual interested party in this matter.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed but dismisses this appeal.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Anita Vogt
Senior Administrative Judge